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October 12, 2015

**Via ECF**

Hon. Allyne R. Ross  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Vincent Asaro, 14-cr-26

Your Honor:

We write with regard to the above referenced case, which has jury selection scheduled to commence in two days, Wednesday October 14, 2015.

The government previously indicated that it intends to call up to approximately 75 witnesses at trial. To date, the government has produced 3500 material for 34 individuals. Given that the government has not provided defense counsel with a witness list, we do not know if all of these 34 individuals are even being called as witnesses at trial. While the government has not yet produced all of the 3500 material, the material produced thus far is extremely voluminous.

The government has refused to provide even a preliminary, non-binding list of the witnesses it expects to call during the first week, of what is expected to be at least a month long, trial. There are several issues with the government refusing to provide the defense with notice of its first several witnesses. First, there may be motions the defendant wants to have ready with regard to certain witnesses. Second, thus far, there are seven substantive cooperators. Some of the 3500 material for just one cooperator is thousands of pages, given prior testimony in other proceedings. It is nearly impossible for defense counsel to prepare for the testimony of all seven

cooperators, particularly given the regular stream of new 3500 material being produced by the government. While we know that 3500 material will be produced as available, it is somewhat troubling that the defense still does not have it all three days from the start of trial.

Defense counsel fears that the government's refusal to provide the names of its first few witnesses will affect the orderly progress of trial.

Thank you.

Respectfully submitted,

/s/

Elizabeth Macedonio  
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cc: All Parties (via ECF)